

## **REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

### **I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 1-5 and 14-19 are pending in this application. Claims 1, 5, 14 and 17, which are independent, are hereby amended. It is submitted that these claims, as originally presented, were in full compliance with the requirements 35 U.S.C. §112. Support for this amendment is provided throughout the Specification as originally filed, and specifically at paragraphs [0080]-[0086] of the Published Application. No new matter has been introduced by this amendment. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which the Applicants are entitled.

Applicants respectfully submit that the objection to the specification under 37 C.F.R. § 75(d)(1) requiring that the claim limitation “computer-readable medium” have proper antecedent basis in the Specification is improper. 37 C.F.R. § 75(d)(1) states:

**“The claim or claims must conform to the invention as set forth in the remainder of the specification and the terms and phrases used in the claims must find clear support or antecedent basis in the description so that the meaning of the terms in the claims may be ascertainable by reference to the description.”**

Applicants submit that the claim limitation “computer-readable medium” is supported in the Specification at least at in the abstract and original claims.

## II. REJECTIONS UNDER 35 U.S.C. § 102(e)

Claims 1-5 and 14-19 were rejected under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Patent No. 7,039,599 to Merriman, et al. (hereinafter, merely “Merriman”)

Claim 1 recites, *inter alia*:

“...a client apparatus for sending notification regarding recording of an information picture and for sending information specifying the information picture comprising picture information and related information, wherein the picture information includes picture image data and the related information includes program information,

wherein the information picture causes a predetermined operation to be processed as a single unit when an operation command is given,

wherein, each of the one or more instruction is processed as a function of the related information upon execution of the operation command, and

wherein each of a plurality of operation command comprise a specific predetermined operation and instructions.”  
(emphasis added)

Claim 1 generally relates to the handling of an information picture. An information picture comprises picture information which is displayed and related information. Upon execution of a specific operation instruction, a predetermined operation is performed. The

predetermined operation is one of more instructions, each processed in accordance with the related information.

As understood by Applicants, cited portions of Merriman, specifically column 4, lines 44-49, relate to describing a feedback loop where a user may or may not take action and from there a fee is calculated and the ad is replaced.

The Office Action also cites column 3, lines 13-36 of Merriman. The cited portion of Merriman describes limiting the amount an ad is displayed in order to avoid “burn out”, which is where a user is desensitized to it.

A further process described in the cited portion of Merriman is an ad related to a Christmas tree. Merriman describes how it is advantageous to run it certain times of the year and not at other times of the year.

Applicants respectfully submit that such disclosure does not render claim 1 unpatentable.

Furthermore, Applicants submit that Merriman does not teach or suggest the above-identified features of claim 1. Specifically, Applicants submit that Merriman fails to teach or suggest that the information for specifying the information picture causes a predetermined operation to be processed as a single unit when an operation command is given and that each of the one or more instruction is processed as a function of the related information upon execution of the operation command, and each of a plurality of operation command comprise a specific predetermined operation and instructions, as recited in claim 1.

Furthermore, claim 1 recites that the information picture comprising picture information and related information, wherein the picture information includes picture image data

and the related information includes program information. This is describes in the Specification at paragraphs [0083] –[0088]. As stated in paragraph [0084], the concept of “information picture” is one in which related information that forms the basis to cause a predetermined operation when a specific operation instruction is given. Applicants respectfully submit that this feature is not disclosed or suggested in Merriman.

Therefore claim 1 is patentable.

For reasons similar or somewhat similar to those recited above regarding claim 1, claims 5, 14, and 17 are also patentable.

Furthermore, claim 14, recites, *inter alia*:

“an updating permission/negation unit for determining permission/negation of updating with respect to information picture caused to undergo management by the registration information in accordance with updating condition set in advance...” (emphasis added)

As understood by Applicants, cited portions of Merriman, specifically column 4, lines 31-43, relate to feedback. The feedback may include a user’s response and the conditions the response was received under. This information is fed into a feedback loop. A predictive model uses the information to direct future ads.

Applicants respectfully submit that such disclosure of a feedback system does not render claim 1 unpatentable. Specifically, Applicants submit that such disclosure **does not** teach or suggest an updating permission/negation unit for determining permission/negation of updating with respect to information picture caused to undergo management by the registration information in accordance with updating condition set in advance, as recited in claim 14.

Furthermore, Applicants submit that Merriman does not teach or suggest the above-identified features of claim 14. Specifically, Applicants submit that Merriman fails to teach or suggest an updating permission/negation unit for determining permission/negation of updating with respect to information picture caused to undergo management by the registration information in accordance with updating condition set in advance, as recited in claim 14.

Therefore claim 14 is patentable.

For reasons similar or somewhat similar to those recited above regarding claim 14, claim 17 is also patentable.

### **III. DEPENDENT CLAIMS**

The other claims are each dependent from one of the independent claims discussed above and are therefore believed patentable for at least the above-identified reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

Similarly, because Applicants maintain that all claims are allowable for at least the reasons presented hereinabove, in the interests of brevity, this response does not comment on each and every comment made by the Examiner in the Office Action. This should not be taken as acquiescence of the substance of those comments, and Applicants reserve the right to address such comments.

**CONCLUSION**

In the event the Examiner disagrees with any of the statements appearing above with respect to the disclosures in the cited references, it is respectfully requested that the Examiner specifically indicate the portion, or portions, of the reference, or references, providing the basis for a contrary view.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Please charge any fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP  
Attorneys for Applicants

By:



Thomas F. Presson  
Reg. No. 41,442  
(212) 588-0800